
(2018) 08 UK CK 0091

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No.1333 of 2018

Sushila & Ors

APPELLANT

Vs

State of Uttarakhand & Ors.

RESPONDENT

Date of Decision : 16-08-2018

Acts Referred:

Indian Penal Code, 1860 — Section, 307, 325, 326

Citation : (2018) 08 UK CK 0091

Hon'ble Judges : Lok Pal Singh, J

Bench : Single Bench

Advocate : Mohd. Allauddin, P.S. Bohara, Balvinder Singh

Final Decision : List this matter on 20.09.2018

Judgement

LOK PAL SINGH, J.

1. By way of misc. application IA No.6238 of 2018, supplementary affidavit has been filed by the petitioners annexing the medical report issued by

Medical Officer, Community Health Centre, Laksar, Haridwar. Copy of the medical report is illegible. Although typed copy of the medical report has

also been supplied along with the medical report but the same also appears to be incorrect and incomplete.

2. In the above circumstances, learned counsel for the petitioners is directed to file additional supplementary affidavit within two weeks.

3. Time and again, this Court has noticed that medical reports are prepared in a very casual manner and handwriting of the medical officers is

sometimes found illegible; no one can read or understand what doctors scribble. The Honâ??ble Apex Court in the case of Dayal Singh vs. State of

Uttaranchal, 2012 (8) SCC 263 has held that the investigation in State of Uttarakhand is poor and not upto the required standard. The Investigating

Officer has failed to conduct investigation in a fair, proper and unbiased manner. Likewise, observing dereliction of duty by the medical officer, the Court held that the case of the prosecution cannot be thrown on account of the gross negligence and apathy of the medical officer. The Medical Officer conducted autopsy on the dead body in the manner not befitting the medical profession and prepared post mortem report against facts for reasons best known to him and was negligent in his duty in ascertaining the injuries on the body of the deceased. The Court further held that the Investigating Officer, as well as the doctor, who are dealing with the investigation of a criminal case, are obliged to act in accordance with the police manual and the known canons of medical practice, respectively. They are both obliged to be diligent, truthful and fair in their approach and investigation. In case there is reason to think that the Investigating Officers or medical officers or others have colluded with the accused, strict action be initiated against the colluding officials and has laid down certain norms for taking stern action against the Medical Officer, guilty of dereliction of duty or misconduct, and held that the State is bound to initiate disciplinary proceedings against such officers even ignoring the law of limitation, and even if such officer has retired.

4. Accordingly, this Court issues following general directions:

- i) In medico-legal cases, doctors shall either write the medical report in legible handwriting or get it typed.
- ii) In medico-legal cases related to the offences under Section 325, 326 and 307 of IPC, video recording of medical examination of the injured(s) shall be conducted, which would undoubtedly benefit in maintaining transparency.
- iii) It has also been noticed that ante-dated medical prescriptions are prepared by the doctors in some cases. Accordingly, the State Government is directed to install CCTV Cameras on the entry and exit points of all the government hospitals including the Primary Health Centres and Community Health Centres throughout the State of Uttarakhand.
- iv) Director General, Medical Health, State of Uttarakhand, is directed to circulate this order to all the Medical Officers throughout the State of Uttarakhand.
- v) It is expected that the order passed today shall be complied with in letter and spirit within four weeks.

vi) On the next date of listing Director General, Medical Health, State of Uttarakhand, shall file an affidavit stating therein the steps taken in compliance of directions issued by this Court.

5. List this matter on 20.09.2018.

6. Registrar General of this Court shall communicate this order to Director General, Medical Health and Family Welfare, State of Uttarakhand, forthwith, for ensuring necessary compliance.